

LAW OFFICES

WARN PARTNERS, P.C.Intellectual Property Matters
PATENTS, TRADEMARKS AND COPYRIGHTSPhilip R. Warn
Gregory L. Ozga
Ronald P. Bender
LeeAnn M. Ford691 North Squirrel Road -- Suite 140
Auburn Hills, Michigan 48326Telephone: (248) 364-4300
Facsimile: (248) 364-4285www.warnpartners.comOf Counsel

Ernest E. Helms

RECEIVED
CENTRAL FAX CENTER

JAN 30 2009

FAX MESSAGE**Number of Pages:** 2, including cover sheet

(Please let us know by phone or fax if you do not receive any of these pages)

Date: January 30, 2009**To:** United States Patent and Trademark Office**Fax Number:** (571) 273-8300**From:** Philip R. Warn

* * * * *

Comments:

Re: Serial No. 10/540,894

Dear Ms. Saad:

Pursuant to my voicemail, I have faxed a draft copy of our proposed amendments to claim 5 for the above-referenced patent application. Please contact my office to discuss at your earliest convenience to determine if the amendments meet with your approval.

Thank you.

NOTICE:

This facsimile transmission and all contents contain information from Warn Partners, P.C., which is privileged, confidential or otherwise protected from disclosure. The information is intended for the addressee(s) only. If you are not the addressee, any disclosure, copy, distribution or use of the contents of this message is prohibited. If you have received this facsimile transmission in error, please notify us immediately and destroy the original message and all copies.

JAN 30 2009

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims

Claim 1-4 (Cancelled)

Claim 5. (Currently Amended) Apparatus for use in welding a pour spout fitment to a container, comprising:

an ultrasonic welding horn formed with a recess at one end thereof for receiving part of said fitment[.];

an anvil ~~between~~ having an annular surface portion; ~~of which anvil and said one end of the horn are vibrantly pressed~~

a wall of said container and a flange of said fitment being vibrantly pressed between said annular surface portion and said one end of said horn, thereby welding to weld said wall and said flange to each other[.];

a head fixed relative to and protruding from said anvil for receiving said fitment over a free end thereof[.]; and

a ring substantially co-axial with said head and protruding substantially radially outwards from said head at an end thereof opposite to said free end for maintaining an annular, radially inner portion of said flange spaced axially outwards from said annular surface portion[.];

wherein the improvement comprises the outer periphery of said ring being of a diametrical dimension less than a diametrical dimension of said recess.

Claim 6. (Cancelled)

Claim 7. (Cancelled)

Claim 8. (Previously Presented) A method of welding a pour spout fitment to a container, comprising causing the fitment to be received over a free end of a head fixed relative to and protruding from an anvil, and introducing said head and thereby part of said fitment into a recess in an end of an ultrasonic welding horn, wherein the